

Application Number 10/052,696

Responsive to Office Action mailed June 18, 2004

### **REMARKS**

This amendment is responsive to the Office Action dated June 18, 2004. Applicant has amended claims 1, 5, 8, 16 and 22. Claims 1-34 are still pending.

In the Office Action, the Examiner indicated that claims 29-34 are allowable in their present form, and objected to claims 10, 13-15, 17-21, 25, and 28 as including subject matter that would be allowable if rewritten in independent form.

The Examiner rejected claims 1-6, 8-9, 11-12, 16, 22-23, and 26-27 under 35 U.S.C. §102(b) as being anticipated by Tran et al. (US 6,134,070) (hereafter Tran), and rejected claims 7 and 24 under 35 U.S.C. §103(a) as being unpatentable over Molstad et al. (US 6,542,325) (hereafter Molstad) in view of Tran.

Applicants have amended claims 1, 5, 8, 16 and 22 to more clearly define the invention as pertaining to time-based servo positioning systems with modulated distances between adjacent parallel servo transition. Specifically, independent claim 1 has been amended to recite a linear recording medium, comprising a pattern of time-based servo transitions including first servo transitions non-parallel to second servo transitions, wherein the first servo transitions define a series of parallel servo transitions having modulated distances between adjacent parallel servo transitions as a function of location of the first servo transitions on the medium. Independent claims 5, 8, 16 and 22 have been amended in a similar fashion to clarify that the servo pattern includes non-parallel servo transitions and parallel servo transitions. The amendments find support throughout the specification, and find specific support from FIGS. 1 and 2. Specific support for the amendments can also be found at page 4, lines 1-5.

None of the applied references discloses or suggests the modulation of distances between parallel servo transitions of a time-based servo pattern what includes non-parallel transitions. As outlined in Applicant's specification, such modulation can be used to produce intentional position error signals of a desired magnitude and frequency, which can provide valuable diagnostic information for drive manufacturers and consumers.

The Tran reference does not disclose or suggest time-based servo patterns that include non-parallel servo transitions. Instead, Tran describes amplitude-based servo windows that define servo tracks within servo bands. Tran contemplates varying the lengths of

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amplitude-based servo windows for the purpose of servo band identification relative to other servo bands, which have amplitude-based servo windows of a different length.

Tran fails to disclose or suggest any time-based servo patterns, and lacks any suggestion of a servo pattern having non-parallel servo transitions. Tran also clearly lacks any suggestion of the modulation of distances between parallel servo transitions of a time-based servo pattern that includes non-parallel transitions, as required by Applicant's claims.

The Molstad reference does disclose time-based servo patterns, but lacks any suggestion of the modulation of distances between parallel servo transitions of a time-based servo pattern, as required by Applicant's claims. Indeed, such modulation is completely counterintuitive to the teaching of Molstad, as it generally introduces intentional position error signals. Such intentional introduction of position error signals would be generally undesirable for magnetic storage media as described in Molstad. However, Applicants' invention recognizes that such modulation can provide diagnostic information for drive manufacturers and consumers. The applied references lack any teaching of these features, and also lack any appreciation of the advantages that these features can provide, e.g., for drive manufacturers and consumers.

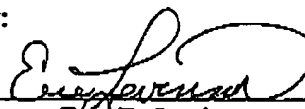
In view of the claim amendments and forgoing remarks, Applicant respectfully submits that all claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

9/14/4

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